

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CRM-M-55119-2018 (O&M)
Date of decision: 13.12.2018

Satbir

... Petitioner(s)

VERSUS

State of Haryana

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE RAJ SHEKHAR ATTRI

Present: Mr. Jitender Dhanda, Advocate.
for the petitioner.

Mr. R.K.Makkad, DAG, Haryana.

RAJ SHEKHAR ATTRI, J.

The present 2nd petition has been filed under Section 438 Code of Criminal Procedure for grant of anticipatory bail to the petitioner in case FIR No.28 dated 2.2.2018 registered for the offences punishable under Sections 18A,18(C)/22-C of Narcotic Drugs & Pscyhotropic Substance Act at Police Station Bhuna, District Fatehabad.

Heard.

The first bail application of the petitioner was disposed of by this Court by passing following order : -

“It is a case of prosecution that petitioner along with the main accused Balwan Singh was riding on a motorcycle having a plastic bag in between them. On seeing the police party, petitioner escaped by taking the benefit of darkness whereas Balwan Singh was arrested and from the search of the bag, huge quantity of psychotropic substances were recovered i.e.

1800 tablets and 150 bottles of Onerex cough syrup. Parcel has been sent to the Forensic Science Laboratory. Learned State counsel submitted that the report of Forensic Science Laboratory has not been received.

Petitioner has joined the investigation and nothing is to be recovered from him. Challan has already been submitted. In this view of the matter, petition is allowed and the petitioner is ordered to be released on anticipatory bail to the satisfaction of Arresting/Investigating Officer subject to the terms and conditions as envisaged under Section 438(2) Cr.P.C till the submission of the FSL report. In case, quantity recovered from the co-accused found to be commercial then this order shall automatically come to an end.”

Briefly stating the prosecution story is that the petitioner along with Balwan Singh were waylaid by the police as they were having a plastic bag containing some material. On seeing the police party, they reiterated. The petitioner escaped from the spot but co-rider Balwant Singh son of Piara Singh was arrested who disclosed the name of the petitioner as Monu @ Satbir. On search of the plastic bag on the motor cycle, it led to recovery. The petitioner was earlier granted bail as report of the Forensic Science Laboratory was not received.

In pursuance of the order passed by this Court, he was required to be surrender before the learned trial Court but instead of doing so, he preferred the present petition. Recovery effected from the co-accused is commercial. The petitioner was also rider on the motor cycle and also

No ground is made out for grant of anticipatory bail.
Dismissed.

December 13, 2018
Paritosh Kumar

(RAJ SHEKHAR ATTRI)
JUDGE

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No